

**RAILROAD COMMISSION OF TEXAS
OFFICE OF GENERAL COUNSEL
OIL AND GAS SECTION**

RULE 37 CASE NO. 0210814

**APPLICATION OF H. BRYAN POFF
FOR A RULE 37 EXCEPTION TO
DRILL WELL NO. 1, SCHMIDT
LEASE, GIDDINGS (AUSTIN
CHALK-3) FIELD, FAYETTE
COUNTY, TEXAS**

**NUNC PRO TUNC
CORRECTED FINAL ORDER**

After due consideration and examination of the original Final Order rendered by the Commission on June 25, 1996, the Commission finds that said Final Order contains the following errors:

Penetration point:
467 feet FNEL and 467 feet FSEL of the lease
5600 feet FNEL and 3100 feet FSEL of the survey

IT IS THEREFORE ORDERED that the original Final Order dated June 25, 1996 is hereby amended nunc pro tunc and vacated to correct the penetration point location as described further below.

The Commission finds that, after statutory notice in the above-numbered docket, heard on February 12, 1996, the presiding examiners have made and filed a report and proposal for decision containing findings of fact and conclusions of law, which was served on all parties of record, and that this proceeding was duly submitted to the Railroad Commission of Texas at conference held in its offices in Austin, Texas.

The Commission, after review and due consideration of the proposal for decision and the findings of fact and conclusions of law contained therein, and any exceptions and replies thereto, hereby adopts as its own the findings of fact and conclusions of law contained therein, and incorporates said findings of fact and conclusions of law as if fully set out and separately stated herein.

Therefore, it is **ORDERED** by the Railroad Commission of Texas that the application of H. Bryan Poff for a spacing exception permit under the provisions of Statewide Rule 37 and a permit to sidetrack Well No. 1 to drill a horizontal lateral, Schmidt Lease, containing 62.10 acres of land in the W.J. Williamson Survey, Abstract No. A-113, for the Giddings (Austin Chalk-3) Field, Fayette County, being 6.5 miles in a southeasterly direction from Ledbetter, Texas, as shown by plat submitted by H. Bryan Poff, be and is hereby **APPROVED**; and applicant is granted permission to sidetrack Well No. 1, which will be located as follows, subject to the conditions listed below:

Penetration point:

527 feet FNEL and 482 feet FNWL of the lease

5660 feet FNEL and 3301 feet FSEL of the survey

Terminus point:

600 feet FNEL and 50 feet FSEL of the lease

5793 feet FNEL and 2683 feet FSEL of the survey

CONDITIONS

1. **Fresh Water Sand Protection.** The operator must set and cement sufficient surface casing to protect all usable-quality water as defined by the Texas Water Commission. Before drilling a well, the operator must obtain a letter from the Texas Water Commission stating the depth to which water needs protection. Write: Texas Water Commission, Surface Casing, P. O. Box 13087, Capitol Station, Austin, Texas 78711-3087. File a copy of the Water Commission letter with the appropriate district office.
2. **Permit at Drilling Site.** A copy of the Form W-1 (Drilling Permit Application), the location plat, a copy of Statewide Rule 13 alternate surface casing setting depth approval from the district office, if applicable, and this drilling permit must be kept at the permitted well site throughout the drilling operations.
3. **Notification of Setting Casing.** The operator MUST call in notification to the appropriate district office a minimum of eight (8) hours prior to the setting of surface casing, intermediate casing, AND production casing. The individual giving notification MUST be able to advise the district office of the docket number.
4. **Producing Well.** Statewide Rule 16 requires that the operator submit a Form W-2 (oil well) or Form G-1 (gas well) to the appropriate Commission district office within thirty (30) days after completion of such well. Completion of the well in a field authorized by this order voids the order for all other fields included in the order unless the operator indicates on the initial completion report that the well is to be a dual or multiple completion and promptly submits an application for multiple completion. All zones are required to be completed before the expiration date of this order.
5. **Dry or Noncommercial Hole.** Statewide Rule 14(b)(2) prohibits suspension of operations on each dry or noncommercial well without plugging unless the hole is cased and the casing is cemented in compliance with Commission rules. If properly cased, Statewide Rule 14(b)(2) requires that plugging operations must begin within a period of one (1) year after

drilling or operations have ceased. Plugging operations must proceed with due diligence until completed. An extension to the one year plugging requirement may be granted under the provisions stated in Statewide Rule 14(b)(2).

6. **Intention to Plug.** The operator must file a Form W-3A (Notice of Intention to Plug and Abandon) with the district office at least five (5) days prior to beginning plugging operations. If, however, a drilling rig is already at work on location and ready to begin plugging operations, the district director or the director's delegate may waive this requirement upon request, and verbally approve the proposed plugging procedures.
7. **Notification of Plugging a Dry Hole.** The operator **MUST** call to notify the appropriate district office a minimum of four (4) hours prior to beginning plugging operations. The individual giving notification **MUST** be able to advise the district office of the docket number and all water protection depths for that location as stated in the Water Commission letter.
8. **Plugged Wells.** Should this well ever be plugged and abandoned, the Commission will consider such plugging and abandonment as prima facie evidence that production from said well is no longer necessary to prevent confiscation of applicant's property or to prevent waste; and upon such plugging and abandonment, the authority for such well as granted under this permit shall cease.
9. **Permit Expiration.** This permit expires two (2) years from the date this order becomes administratively final, unless actual drilling operations have begun. The permit period will not be extended.

Each exception to the examiners' proposal for decision not expressly granted herein is overruled. All requested findings of fact and conclusions of law which are not expressly adopted herein are denied. All pending motions and requests for relief not previously granted or granted herein are denied.

It is further **ORDERED** by the Commission that this Nunc Pro Tunc Final Order is effective as of June 25, 1996, the date of the original Final Order, with all applicable deadlines running from that date.

Done this _____ day of _____, 19_____.

RAILROAD COMMISSION OF TEXAS

CHAIRMAN

COMMISSIONER

COMMISSIONER

ATTEST:

SECRETARY